

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ALETA RENEE CHAPMAN,

Plaintiff,

VS.

**NEWREZ, LLC, f/k/a New Penn
Financial, LLC d/b/a Shellpoint Mortgage
Servicing; U.S. BANK TRUST,
NATIONAL ASSOCIATION, solely as
Owner Trustee for RCF 2 Acquisition
Trust; BANK OF AMERICA, N.A.,
successor in interest to Countrywide
Bank, a division of Treasury Bank, N.A.;
SELENE FINANCE, and UNKNOWN
PARTIES IN INTEREST 1-10,**

Defendants.

Case No. 4:21-cv-03711

THE SELENE DEFENDANTS' UNOPPOSED MOTION TO CONTINUE

COME NOW Defendants U.S. Bank Trust National Association, Solely as Owner Trustee for RCF 2 Acquisition Trust ("Trustee") and Selene Finance LP ("Selene") (Trustee and Selene are collectively, the "Selene Defendants") and hereby file this Unopposed Motion to Continue.

The Selene Defendants respectfully show the Court as follows:

I.
MOTION FOR CONTINUANCE

1. On July 29, 2022, Plaintiff filed her First Amended Petition for Damages and Demand for Jury Trial ("Amended Complaint") (Doc. 33).
2. The Amended Complaint joined the Selene Defendants and Bank of America, N.A. ("Bank of America").

3. This Court entered its Amended Scheduling Order on August 5, 2022. (Doc. 35).
4. The Amended Scheduling Order set the following deadlines:

Date	Current Deadline
9/22/22	Defendant, or party without the burden of proof, will designate expert witnesses in writing, listing the qualifications of each expert, the opinions the expert will present, and the bases for the opinions as required under Federal Rule of Civil Procedure 26(A)(2). ("Defendants' Experts Deadline")
11/1/22	DISCOVERY Counsel may, by agreement continue discovery beyond the deadline. No continuance will be granted because of information acquired in post-deadline discovery ("Discovery Deadline")
11/15/22	MOTIONS DEADLINE Including any motion challenging an expert witness (only motions in limine on issues other than experts may be filed after this date). The motion deadline may not be changed by agreement. ("Motion Deadline")
3/13/23	TRIAL is set at 9:00 a.m. in Courtroom 8C. Case is subject to being called to trial on short notice during the two-week period beginning on this date. ("Trial Date")

5. Given the Selene Defendants were only added as a party on July 29, 2022, the Selene Defendants hereby request a continuance of Defendants' Experts Deadline, the Discovery Deadline, the Motion Deadline, and the Trial Date. The Selene Defendants respectfully request a continuance of the Trial Date to **August 14, 2023**.

6. The Selene Defendants further respectfully request the Court extend Defendants' Expert Deadline, the Discovery Deadline, and the Motion Deadline as follows:

February 21, 2023 – Defendants' Experts Deadline

April 7, 2023 – Discovery Deadline

April 21, 2023 – Motion Deadline

7. On September 30, 2022, an associate of the undersigned counsel's office conferred with Plaintiff Aleta Chapman ("Ms. Chapman"). Ms. Chapman indicated she is unopposed to the relief sought in this motion.

8. An associate of the undersigned counsel's office also conferred with counsel for Bank of America and NewRez, LLC, f/k/a New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing ("NewRez"). Both counsel for Bank of America and NewRez indicated they are unopposed to the relief sought in this motion.

9. This extension is not sought for purposes of delay, but so that justice may be served.

II. **CONCLUSION**

WHEREFORE, PREMISES CONSIDERED, the Selene Defendants pray that the Court grant this motion, continue the Trial Date to August 14, 2023, and continue Defendants' Expert Deadline to February 21, 2023, the Discovery Deadline to April 7, 2023, and the Motion Deadline to April 21, 2023. The Selene Defendants further request that the Court grant them any and all further relief to which they are justly entitled.

Respectfully submitted,

/s/ Jason L. Sanders

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**COUNSEL FOR THE
SELENE DEFENDANTS**

CERTIFICATE OF CONFERENCE

On September 30, 2022, an associate of the undersigned counsel's office conferred with Plaintiff via telephone. Plaintiff indicated she is unopposed to the relief sought in this motion.

An associate of the undersigned counsel's office conferred with counsel for Bank of America via email and counsel for NewRez by telephone. Both counsel for Bank of America and NewRez indicated they are unopposed to the relief sought in this motion.

/s/ Jason L. Sanders

Counsel for the Selene Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon Plaintiff via U.S. Mail and Certified Mail, Return Receipt Requested and upon other counsel of record via the Court's CM/ECF system pursuant to the Federal Rules of Civil Procedure on this 4th day of October, 2022.

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